

In addition thereto the district board may include a similar listing subdivided according to producing sub-districts or according to any other subdivision desired.

Prices applicable to such classification shall be listed in a table similar to the following:

Size groups						
Classification	1	2	3	4	5	Etc.
A.....	2.75	2.65	2.55	2.45	2.35
B.....	2.65	2.55	2.45	2.35	2.25
C.....	2.55	2.45	2.35	2.25	2.15

Each schedule of proposed prices shall include the following clause:

"NOTE.—The prices in this schedule are not the final minimum prices that will be established on coal for shipment by code members within this district into consuming markets of this district. In the ultimate establishment of the effective minimum prices, pursuant to subsection (b) of Part II, Section 4 of the Act, the minimum prices as proposed in such schedule, or as modified, are subject to such increase or decrease, respectively, as may be necessary to carry out the provisions of subsections (a) and (b) of Part II, Section 4 of the Act."

The Secretary of the Commission is directed forthwith to publish a copy of this order and the rules and regulations contained herein in the FEDERAL REGISTER and to mail a copy of this order and the rules and regulations contained herein to the Consumers' Counsel, to the Secretary of each District Board, and to each code member within the Minimum Price Area named herein.

By order of the Commission.

Dated this 11th day of August, 1938.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 38-2349; Filed, August 12, 1938;
10:24 a. m.]

[Order No. 248]

AN ORDER DIRECTING THE SEVERAL DISTRICT BOARDS WITHIN MINIMUM PRICE AREA 1 TO PROPOSE REASONABLE RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY THE CODE MEMBERS OF THE RESPECTIVE DISTRICTS, IN ACCORDANCE WITH SUBSECTION (A) SECTION 4, PART II OF THE BITUMINOUS COAL ACT OF 1937

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That each district board within the Area defined in said Act as Minimum Price Area 1 (Districts Nos. 1, 2, 3, 4, 5, 6, 7 and 8) shall forthwith proceed to

consider and shall propose to the Commission reasonable rules and regulations incidental to the sale and distribution of coal by the code members of the respective districts.

Such proposed rules and regulations shall not be inconsistent with the requirements of Section 4 of the Act and shall conform to the standards of fair competition therein established.

2. Such proposed rules and regulations, together with a statement of the reasons therefor, shall be submitted to the Commission by each of the aforesaid district boards on or before the 6th day of September 1938, in order that the Commission, after hearing, may approve, disapprove, or modify the same for the purpose of coordination.

3. Each district board shall transmit such proposed rules and regulations to each code member in its respective district at least fifteen days before said district board files such proposed rules and regulations with the Commission, and during the interim between the transmittal of such proposed rules and regulations to the code members and the filing of same with the Commission, each district board may make such changes in said proposals as in its judgment it may deem proper, and to this end, each district board may arrange to receive protests of its code members, conduct such investigations, conferences or hearings as in its judgment will assist it in proposing such reasonable rules and regulations as will best serve to carry out the purposes of the Act. Protests of code members shall be filed with the district board within seven days from the date of the transmittal to the code members.

4. Any changes made by a district board in its proposed rules and regulations, after the time of such transmittal to the code members, shall be forwarded to each code member in the district not later than the date of the submission thereof to the Commission.

5. Each district board shall file with the Commission, at the time set forth in paragraph two hereof, one hundred (100) copies of its proposed rules and regulations, and, at the same time, the district board shall transmit to each of the other district boards five copies of its proposals.

6. The Secretary of the Commission is directed to publish forthwith a copy of this order in the FEDERAL REGISTER and to mail a copy of this order to the Consumers' Counsel, to the Secretary of each District Board, and to each code member within the minimum price area named herein.

By order of the Commission.

Dated this 11th day of August, 1938.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 38-2350; Filed, August 12, 1938;
10:24 a. m.]

TITLE 24—HOUSING CREDIT

FEDERAL HOME LOAN BANK BOARD

AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

CHANGING THE NAME OF THE BANK PRESIDENT'S COUNCIL TO BANK PRESIDENT'S CONFERENCE

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act, as amended, (12 U. S. C. 1437):

(1) The second sentence of paragraph a of Section 4.002 of the Rules and Regulations for the Federal Home Loan Bank System is hereby amended to read as follows:

"When in the opinion of the Board it is desirable to issue consolidated debentures, the Board may direct the Governor to submit, after such communication with the several Banks as may be practicable, recommendations as to the particulars of such issue, or may direct the Governor to convene the Bank Presidents' Conference or submit such question to the Federal Savings and Loan Advisory Council for the purpose of making such recommendations."

(2) Section 8.002 of the Rules and Regulations for the Federal Home Loan Bank System is hereby amended to read as follows:

"SECTION 8.002. Bank presidents' conference.—There shall be a Bank Presidents' Conference which shall be composed of the Presidents of the twelve banks. In the event the President of a bank is unable to attend a meeting of the Conference he may designate an officer of that bank to represent him. The Bank Presidents' Conference shall meet the second Monday in each April and October or at such other time or times as determined by the Governor, at the office of the Governor, Federal Home Loan Bank Board Building, Washington, D. C. Said Conference may elect its own Chairman and Secretary and may make recommendations to the Governor. Each bank is authorized to pay the expenses of its representative to meetings of the Bank Presidents' Conference."

Adopted by the Federal Home Loan Bank Board on August 9, 1938.

[SEAL] R. L. NAGLE,
Secretary.

[F. R. Doc. 38-2354; Filed, August 12, 1938;
12:26 p. m.]

HOME OWNERS' LOAN CORPORATION

ASSISTANT TREASURER TO ACT AS WELL AS TREASURER

AMENDING TREASURY CHAPTER OF THE MANUAL

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by sub-Sections a and k of Section 4 of said Act as amended, Section 7.01 of Part 7 of Chapter IV of Title 24 of the Code of Federal Regulations, the same being Section 701 of Chapter VII of the Manual relative to the Treasury Division be amended as follows:

The words "or Assistant Treasurer" shall be inserted immediately following the word "Treasurer" wherever it appears in this section except in the first paragraph.

Adopted by the Federal Home Loan Bank Board on August 9, 1938.

[SEAL] R. L. NAGLE,
Secretary.

[F. R. Doc. 38-2351; Filed, August 12, 1938;
12:25 p. m.]

PREPAYMENTS AND CURTAILMENTS; FUNDS RECEIVED FOR CREDIT TO LOAN ACCOUNTS

MANUAL AMENDMENT

Be it resolved, That Sub-Sections 8.00 (h) and (i) of Part 8 of Chapter IV of Title 24 of the Code of Federal Regulations, the same being Sub-Sections 800 (h) and (i) of Chapter VIII of the Manual, are hereby amended to read as follows:

SECTION 800 (h). Prepayments and curtailments shall be applied to the account of a borrower or vendee in the manner provided in the note or bond, mortgage, deed of trust, or contract held by the Home Owners' Loan Corporation, or in such other manner as the borrower or vendee directs under procedure prescribed and approved, as provided in Section 800 (a).

SECTION 800 (i). Funds received by the Corporation for credit to its loan accounts or to accounts owing to it by reason of sales of acquired real property, from partial releases, grants of easements and flowage rights, insurance losses, mineral deeds, transactions affecting oil, gas or mineral interests, sales of timber, condemnation awards under decree or judgment of a court or by agreement, substitution of security, additional security, other transactions which otherwise reduce or diminish the security held by the Corporation or the

property sold by it and any other credits to borrowers or vendees accounts other than repayments, are defined as "miscellaneous credits", and the net amount thereof shall be applied to the appropriate account (principal, interest, advances or other sums owing to the Corporation) in such manner consistent with law and the provisions of the loan or sales instrument as the General Manager, with the advice of the General Counsel, shall direct.

(Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by sub-Sections a and k of Section 4 of said Act as amended).

Adopted by the Federal Home Loan Bank Board on August 9, 1938.

[SEAL] R. L. NAGLE,
Secretary.

[F. R. Doc. 38-2353; Filed, August 12, 1938;
12:26 p. m.]

ANALYSIS AND REVIEW SECTION; REMITTANCE BY MORTGAGORS AND VENDEES

MANUAL AMENDMENT—HOUSING AND CREDIT CHAPTER

Be it resolved, That Section 2.03 (d) and 2.08 of Part 2 of Chapter IV of Title 24 of the Code of Federal Regulations and the corresponding Sections 203 (d) and 208 of Chapter II of the Manual, are hereby amended to read as provided below, and

SEC. 2.03 (d) (Manual 203 (d)). The Analysis and Review Section shall be responsible for the consideration of cases beyond the authority of Control Supervisors, including cases of serious tax delinquency not being liquidated and the making of recommendations as to the action to be taken.

This Section shall review all cases where contemplated advances would affect the future servicing of the account, except those where advances may be made by the State Manager without prior authorization from the Regional Manager, any matters concerning the Extension of Payments and all offers of additional security.

At any time prior to the acquisition of complete title by the Corporation, the General Manager, with the advice of the General Counsel, may, on such terms and conditions as he may determine to be for the best interest of the Corporation, including the cancellation of the old indebtedness and the taking of new loan or sales instruments where necessary, provided no loss to the Corporation is involved in the transaction, direct that foreclosure proceedings or negotiations for a deed in lieu of foreclosure be suspended or withdrawn, and with like advice may arrange and deter-

mine the terms and conditions for a reinstatement of the loan or sale or a reacquisition of title by the home owner. The authority herein vested in the General Manager may be exercised also by the Regional Manager with the advice of the Regional Counsel or by the State Manager with the advice of the State Counsel under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

In cases where the home owner or other obligor has died, except in jurisdictions where it is legally necessary to file a claim to protect the interests of the Corporation, the General Manager shall determine whether a claim shall be filed against the estate of the decedent. Ordinarily probate claims will not be filed where it appears that any of the following circumstances obtain:

(a) That the account will be maintained in good standing or satisfactory payment made.

(b) That the assets of the estate are insufficient or of such nature that they cannot be reached by a claim.

(c) That the satisfaction of a claim from assets other than the security of the Corporation will deprive the family of its only means of livelihood or otherwise result in extreme hardship.

The General Manager shall refer the cases where he determines a claim should be filed to the Legal Department, and unless there are legal reasons which would make it inadvisable to file the claim, the Legal Department shall proceed to file the same.

The authority herein vested in the General Manager may be exercised also by Regional, State or District Managers under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

SEC. 2.08 (Manual 208). It is the policy of the Corporation to endeavor to have its mortgagors and vendees regularly remit their payments by mail to the Regional Offices, but the General Manager is authorized to establish or close collection facilities in any office as he may deem necessary. Instructions and procedure for such offices are included in Chapter VII of this Manual.

Be it further resolved, That this resolution shall become effective on September 1, 1938.

(Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by sub-Sections a and k of Section 4 of said Act as amended).

Adopted by the Federal Home Loan Bank Board on August 10, 1938.

[SEAL] R. L. NAGLE,
Secretary.

[F. R. Doc. 38-2352; Filed, August 12, 1938;
12:25 p. m.]

TITLE 39—POSTAL SERVICE POST OFFICE DEPARTMENT

[Order No. 11979]

AIR MAIL SERVICE UNDER SUPERVISION OF
THE FIRST ASSISTANT POSTMASTER GEN-
ERAL

AUGUST 8, 1938.

It is hereby ordered, That effective August 8th 1938 the First Assistant Postmaster General will be charged with the administration and supervision of the Air Mail Service, Domestic and Foreign.

Effective August 8th 1938 the Division of Air Mail Service is transferred from the Bureau of the Second Assistant Postmaster General to the Bureau of the First Assistant Postmaster General and such other personnel of the Department as may be required to facilitate the carrying out of this order shall also be transferred to the Bureau of the First Assistant Postmaster General.

Order No. 4866 dated January 23rd 1934 is hereby revoked.

Sections 11 and 12 and all other relevant sections of the Postal Laws and Regulations of 1932 are hereby amended in conformity with the foregoing transfer.

[SEAL] W. W. HOWES,
Acting Postmaster General.

[F. R. Doc. 38-2362; Filed, August 12, 1938;
12:56 p. m.]

TITLE 45—SECURITIES AND EXCHANGES SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

AMENDED PROXY RULES

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 14 (a) and 23 (a) thereof, hereby takes the following action:

1. Rules LA1 to LA7 inclusive, as heretofore in effect, are hereby rescinded.

2. The following rules and schedule, designated "Regulation X-14," are hereby adopted:

*Regulation X-14.—Rules Relating to Solicitation of Proxies, Consents and Authorizations, Including Schedule 14A**

Sec. 10.X-14A-1 (Rule X-14A-1). *Proxy statement.*—No solicitation subject to Section 14 (a) of the Act¹ shall be made unless a written "proxy statement" is concurrently furnished or has previously been furnished to each person solicited. Such proxy statement shall contain the information specified in such of the items of Schedule 14A as

may be applicable in the particular case; *Provided, however, That—*

(a) Except as to item 1 (a) of Schedule 14A, no statement need be made in the proxy statement in response to any item or sub-item of Schedule 14A which is inapplicable, or the answer to which is in the negative. None of the items need be restated in the proxy statement, and the order of the items and sub-items in the schedule need not be followed. Information required by more than one applicable item need not be repeated in the proxy statement.

(b) Any information required to be included in the proxy statement which is not known and not reasonably available to the persons making the solicitation may be omitted, if a brief statement of the circumstances rendering such information unavailable is made in the proxy statement. Likewise, information as to matters to occur or to be determined in the future need be given only in terms of present intention, but in such case there shall be set forth, to the extent practicable, the maximum and minimum limits of the authority to be conferred concerning each such matter.

(c) There may be omitted from the proxy statement any information contained in any document which has been furnished within a reasonable time in advance of the solicitation to each person solicited, if a clear reference is made to the place where such information appears. Any statement made in the proxy statement may be qualified by clear reference to any such document, or to any document which is on file with the Commission and with each exchange on which the securities are listed.

(d) In all cases in which past occurrences are to be consented to or acted upon pursuant to the proxy, the applicable items of Schedule 14A shall be read in the past tense, if appropriate.

(e) Unless the context clearly shows otherwise, whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing the proxy statement.*

Sec. 10.X-14A-2 (Rule X-14A-2). *Duty to provide means by which desired action can be specified.*—No solicitation subject to Section 14 (a) of the Act¹ shall be made unless (a) means shall have been provided whereby the person solicited is afforded an opportunity to specify, in a space provided in the form of proxy or otherwise, the action which such person desires to be taken pursuant to the proxy on each matter, or each group of related matters as a whole, described in the proxy statement as intended to be acted upon, other than the election of directors or other officials, and (b) the authority conferred as to each such matter or group of matters is limited by the specification so made. Nothing in Regulation X-14 shall prevent the solicitation of a proxy conferring discretionary authority with respect to matters as to which the person solicited does not

make the specification provided for above, or with respect to matters not known or determined at the time of the solicitation, or with respect to elections of directors or other officials.*

Sec. 10.X-14A-3 (Rule X-14A-3). *Legibility of soliciting material.*—Every printed proxy statement and form of proxy, and all related printed material furnished to the persons solicited in connection with any solicitation subject to Section 14 (a) of the Act,¹ other than documents not prepared in connection with the solicitation, shall be set in type not smaller than 10-point roman, at least 2-point leaded; except that financial statements may be set in type not smaller than 8-point roman, if necessary for convenient presentation.*

Sec. 10.X-14A-4 (Rule X-14A-4). *Duty to file material with Commission and exchange.*—(a) Three copies of each of the following documents shall be filed with the Commission at its office in Washington, D. C., and one copy with each exchange on which is listed the security with respect to which any solicitation subject to Section 14 (a) of the Act¹ is made:

(1) The proxy statement, form of proxy, and any additional material intended to be furnished to security holders along with the proxy statement;

(2) Any additional material relating to the same subject matter or meeting furnished to any substantial number of security holders after the first solicitation; and

(3) Any document to which reference is made in the proxy statement in accordance with Rule X-14A-1 (c) [Sec. 10.X-14A-1], unless such document shall have been previously filed with the Commission and the exchange.

(b) The material described in paragraphs (a) (1) and (a) (3) above shall be filed not later than the time when the first solicitation is made. The material described in paragraph (a) (2) above shall be filed not later than the time when such material is first sent or given to any security holders.

(c) If any document filed pursuant to paragraph (a) of this rule is amended after the filing thereof, a copy of the amendment or amended document shall be filed with each exchange on which the security is listed and three copies with the Commission not later than the time when such amended document is first sent or given to any security holders.*

Sec. 10.X-14A-5 (Rule X-14A-5). *False or misleading statements.*—No solicitation subject to Section 14 (a) of the Act¹ shall be made by means of any form of proxy, notice of meeting, or other communication containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or omits to state any material fact necessary in order to make the statements therein not false or misleading.*

SEC. 10.X-14A-6 (Rule X-14A-6). *Duty of issuer to furnish information and mail proxies at request of security holder.*—No solicitation subject to Section 14 (a) of the Act¹ shall be made by or on behalf of the issuer or its management, directly or indirectly, unless the issuer performs or has performed such of the following acts as may be duly requested by any record owner of any security of the issuer (hereinafter called "the applicant") with respect to the same subject matter or meeting:

(a) At the written request of the applicant, the issuer shall furnish the following information:

(1) A statement of the approximate number of the holders of record of any specified class of securities of which any of the holders have been or are to be solicited by or on behalf of the issuer or its management (as of any date selected in connection with such solicitation, or if none has been selected, approximately as of the date designated by the applicant), and the approximate number of any other holders of the specified class of securities who have been or are to be solicited by or on behalf of the issuer or its management; and

(2) An estimate of the cost of mailing a specified form of proxy or other communication to such holders. Any information requested pursuant to this paragraph shall be mailed or otherwise furnished on or before the third business day after receipt of the written request.

(b) At the written request of the applicant, copies of any form of proxy or other communication furnished by the applicant shall be mailed by the issuer to holders of record (as of the date selected under (a)) of any specified class of securities of which any of the holders have been or are to be solicited by or on behalf of the issuer or its management, and to any other holders of the specified class of securities who have been or are to be solicited by or on behalf of the issuer or its management. Such material shall be mailed with reasonable promptness after receipt by the issuer of a tender of the material to be mailed, of envelopes or other containers therefor, of postage or payment for postage and of reasonable reimbursement to the issuer of all expenses incurred in connection with such mailing or of a surety company bond satisfactory to the issuer in an amount sufficient to cover such expenses; except that such material need not be mailed prior to the first day on which the solicitation is made by or on behalf of the issuer or its management.*

SEC. 10.X-14A-7 (Rule X-14A-7). *Solicitations to which rules are not applicable.*—Notwithstanding any other provision in this regulation, the rules contained therein shall not apply to:

(a) Any solicitation made otherwise than by the use of the mails or by any means or instrumentality of interstate

commerce or of any facility of any national securities exchange;

(b) Any solicitation of a proxy by any person in respect of securities carried in his name or in the name of his nominee, or held in his custody, if (1) such person receives no commission or remuneration for such solicitation, directly or indirectly, other than reimbursement of reasonable out-of-pocket expenses and clerical expenses, and (2) such person furnishes to the person solicited a copy of all soliciting material which the persons on whose behalf the solicitation is made are sending to other persons: Provided, however, that this exemption shall not be applicable to any solicitation by a voting trustee in respect of securities of which he is trustee;

(c) Any solicitation of a proxy by any person in respect of securities of which he is the beneficial owner;

(d) Any solicitation of a proxy evidenced by a certificate of deposit or other security which is registered under the Securities Act of 1933;

(e) Any solicitation of an acceptance, conditional or unconditional, of a plan of reorganization under Chapter X of the Bankruptcy Act, as amended, or of an authority, conditional or unconditional, to accept any such plan, if such solicitation is made after the entry of an order approving such plan pursuant to Section 174 of said Act and after, or concurrently with, the transmittal of information concerning such plan as required by Section 175 of said Act; or

(f) Any solicitation made in connection with a reorganization of a registered holding company or any subsidiary company thereof, if such solicitation is made in compliance with paragraph (a) and with paragraph (b), (d) or (e) of Rule U-12E-3 [Sec. 15.U-12E-3] under the Public Utility Holding Company Act of 1935.*

SEC. 10.X-14A-8 (Rule X-14A-8). *Effect of violation.*—Failure to comply with the rules contained in this regulation shall not invalidate any proxy pursuant to which action has been taken: Provided, however, that this rule shall not be construed to prevent the granting of injunctions in any proper proceedings, or to exempt any person from any penalty or prohibition provided by the Act in respect of violations of the Act or any rules or regulations thereunder.*

SEC. 10.X-14A-9 (Rule X-14A-9). *Definitions.*—For the purposes of Regulation X-14, unless the context otherwise requires:

(a) The term "proxy" includes every proxy, consent, or authorization within the meaning of Section 14 (a) of the Act¹;

(b) The term "solicitation" includes any request for a proxy, whether or not such request is accompanied by or included in a written form of proxy; but the term does not include the performance by the issuer or its agents of acts required by Rule X-14A-6 [Sec. 10.X-14A-6], or the performance by any per-

son of ministerial acts on behalf of a person soliciting a proxy;

(c) The term "proxy statement" means the statement required by Rule X-14A-1 [Sec. 10.X-14A-1], whether or not contained in a single document;

(d) The term "issuer" means the issuer of the security in respect of which the proxy is solicited;

(e) The term "associate", used to indicate a relationship with any person, means (1) any corporation or organization (other than the issuer) of which such person owns of record or beneficially 10% or more of any class of voting securities, (2) any firm of which such person is a partner, and (3) any relative or spouse of such person having the same home as such person;

(f) The term "affiliate", used to indicate a relationship with any person, means a person controlling, controlled by, or under common control with, such person.*

[Here follows, in the original document, "Schedule 14A—Items of information in proxy statement under Rule X-14A-1.]

NOTES:
*C. 404, sec. 14, 48 Stat. 895; 15 U. S. C. 78n; c. 404, sec. 23, 48 Stat. 901; c. 452, sec. 8, 49 Stat. 1379; 15 U. S. C. 78w and Sup. III.
¹C. 404, sec. 14, 48 Stat. 895; 15 U. S. C. 78n.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2357; Filed, August 12, 1938; 12:51 p. m.]

Notices

INTERSTATE COMMERCE COMMISSION.

APPLICANTS FOR ADMISSION TO PRACTICE BEFORE COMMISSION

AUGUST 11, 1938.

Notice to the Public:

The Commission has determined that all applicants for admission to practice before the Commission, who are not attorneys at law admitted to practice before the Supreme Court of the United States or of the highest court of any State or Territory or the District of Columbia, shall be admitted only upon written examination, in order that the applicant may show that he is "possessed of the necessary legal and technical qualifications to enable him to render valuable service before the Commission and is otherwise competent to advise and assist in the presentation of matters before the Commission." (Rules of Practice, I-B, 2 (b).)

All applications received up to August 2, 1938, will be passed upon according to the preexisting practice. Applicants who are not members of the bar, who file their applications on and after August 2, 1938, are advised that (a)

they should make return to the questionnaire sent them at the time the blank form of application for admission is given them; and that an inquiry will be made of the sponsors and those to whom the applicant has referred, as to the general standing of the applicant. An inquiry will also be made by the Committee of the Association of Practitioners before the Interstate Commerce Commission. If the applicant's standing is found to be good, then (b) applicant will be expected to appear for an examination as to his legal and technical qualifications, at the next succeeding general date on which examinations are held which is more than thirty days distant.

Examinations will be conducted three times a year—the first Tuesday in January, May and September of each year. In view of the shortness of time and the limited number of applications pending, the examination scheduled for September, 1938, will be omitted.

The applicants will be expected to appear for examination, after they have been notified to do so, at the office of the Commission in Washington, or, upon timely request being made, at a district office of the Bureau of Motor Carriers, in cities where such offices are maintained, or in other cities, at the office of the Commission's Bureau of Accounts or Service Agent of the Commission.

The examinations to be given will test the applicant's knowledge of (1) structure and history of the Interstate Commerce Act, as amended, and related acts, (2) the Commission's rules of practice, (3) the general rules of evidence, (4) the leading cases involving the Commerce Clause of the Constitution and the Interstate Commerce Act, and their significance, and (5) the principles of legal ethics. The decision as to admission or non-admission of candidates will be made upon the basis of the applications, the returns of sponsors and those to whom applicants have referred, and the examination papers.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 38-2347; Filed, August 12, 1938;
10:22 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of August A. D. 1938.

[File No. 31-113]

IN THE MATTER OF THE APPLICATION OF GREENE, CHESTER AND PATTON TRUST ORDER CONSENTING TO WITHDRAWAL OF APPLICATION FOR EXEMPTION

The Commission, having due regard to the public interest and the interest of

investors and consumers, upon the request of the applicant, consents to the withdrawal of the application for exemption of the above-named applicant, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2360; Filed, August 12, 1938;
12:52 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 10th day of August, A. D. 1938.

[File No. 43-104]

IN THE MATTER OF GULF STATES UTILITIES COMPANY

ORDER ADOPTING REPORT

Gulf States Utilities Company, a subsidiary company of Engineers Public Service Company, a registered holding company, having made application pursuant to Section 11 (g) of the Public Utility Holding Company Act of 1935 for a report of the Commission on a certain plan involving an offer to exchange a new issue of 6209 shares of \$6 preferred stock of said applicant for the outstanding 6209 shares of \$6 preferred stock of Baton Rouge Electric Company;

Hearings having been held on the said plan and application after appropriate notice; the Commission having considered the record in this matter and having made and filed its report on said plan, said report being in the form of the copy thereof attached to this order:

It is ordered, That the said report on said plan be and the same hereby is approved and adopted as the report made by the Commission on said plan, and as the form of copy of said report to be used by the applicant in solicitations in respect of said plan pursuant to the provisions of said Section 11 (g).

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2358; Filed, August 12, 1938; 12:51 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of August 1938.

[File No. 7-235]

IN THE MATTER OF MARKET STREET RAILWAY COMPANY COMMON STOCK, \$100 PAR VALUE, 6% CUMULATIVE PREFERRED STOCK, \$100 PAR VALUE, 6% CUMULATIVE PREFERRED STOCK, \$100 PAR VALUE, AND 6% NON-CUMU-

LATIVE SECOND PREFERRED STOCK, \$100 PAR VALUE

ORDER DENYING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The San Francisco Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (3) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for permission to extend unlisted trading privileges to the Market Street Railway Company Common Stock, \$100 Par Value, Prior Preference Stock, \$100 Par Value, Preferred Stock, \$100 Par Value, and Second Preferred Stock, \$100 Par Value; and

A hearing having been held in this matter after appropriate notice, and the Commission having this day made and filed its findings herein:

It is ordered, That the application of the San Francisco Stock Exchange, pursuant to Section 12 (f) (3) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to the Market Street Railway Company Common Stock, \$100 Par Value, Prior Preference Stock, \$100 Par Value, Preferred Stock, \$100 Par Value, and Second Preferred Stock, \$100 Par Value, be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2361; Filed, August 12, 1938;
12:53 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of August, A. D. 1938.

[File No. 52-4]

IN THE MATTER OF WEST OHIO GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An amended application and declaration having been duly filed with this Commission on August 3, 1938 by David C. Patterson, M. J. Mauermann, and David Copland, as a committee for the holders of First and Refunding Mortgage 6% Bonds of West Ohio Gas Company, a subsidiary of the Trustees of Midland Utilities Company, a registered holding company, pursuant to Sections 11 (f) and 11 (g) of the Public Utility Holding Company Act of 1935, and the rules adopted by the Commission under said Sections and Section 12 (e) of said Act;

It is ordered, That a further hearing on such matter be held on August 29, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in